

# 2016

Kentucky Emergency  
Response Commission

Kentucky Emergency  
Management



## KENTUCKY LEPCS - IT IS YOUR RIGHT TO KNOW!

Kentucky Local Emergency Planning Committees (LEPC) forge partnerships with government agencies, emergency responders, and local businesses to help enhance response to any hazard that could threaten a community. LEPC members represent a wide cross section of the community with many areas of interest and expertise. This document provides an overview of the various roles and responsibilities Kentucky LEPCs must fulfill.

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## Landmark Hazardous Material Laws and Regulations

In the 1980s, Americans were becoming increasingly aware of the hazardous chemicals in their workplaces and communities. During that decade, several landmark laws and regulations were passed in favor of community and workplace right-to-know movements. Key legislation includes the following:

**Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)** of 1980, later known as the Superfund Act. For more information visit: [www.epa.gov/superfund/policy/cercla.htm](http://www.epa.gov/superfund/policy/cercla.htm)

**Occupational Safety and Health Administration (OSHA)** 29 CFR 1910.1200 - Hazard Communication <https://www.osha.gov/dsg/hazcom/index.html>. This standard went into effect in 1985.

**Superfund Amendment and Reauthorization Act (SARA)** of 1986. Title III of SARA consists of the Emergency Planning and Community Right to Know Act (EPCRA). For more information, visit: <http://www.epw.senate.gov/sara.pdf>.

## EPCRA & SARA Title III

The Federal Emergency Planning and Community Right to Know Act (EPCRA) was passed by Congress in 1986 and required annual inventory reporting from facilities having amounts above a threshold quantity of hazardous material.

EPCRA was passed following the tragic events of December 1984, when a poisonous gas was released in Bhopal, India killing thousands. In August 1985, the same chemical was released from a plant in Institute, West Virginia and caused the hospitalization of 135 people, prompting Congress to act. EPCRA ensures that Americans are educated about hazardous chemicals in their community and prepared to respond in the event of a chemical release. For more information, visit: <http://www2.epa.gov/epcra/what-epcra>

EPCRA was included as Title III of the Superfund Amendments and Reauthorization Act (SARA) and is sometimes referred to as SARA Title III. EPCRA provides for the collection and availability of information regarding the use, storage, production, and release of hazardous chemicals to the public and emergency responders in your communities. The law promotes a working relationship among government at all levels, business and community leaders, environmental and other public interest organizations, and individual citizens to improve hazard communication and emergency planning.

## The KERC

Kentucky has adopted EPCRA into law through Kentucky Revised Statutes 39E and the regulations found in 106 KAR Chapter 1. EPCRA requires that every State have a State Emergency Response Commission (SERC). In Kentucky, the SERC is known as the Kentucky Emergency Response Commission (KERC). The Governor appoints all members, a maximum of twenty-five, for a term of two years. Members can be reappointed, and must include representatives from the following:

- Fire Commission
- Department for Environmental Protection
- State Fire Marshal
- Kentucky State Police
- Attorney General's Office
- Private Industry
- Local Government
- Health Services
- Environmental Interests
- Technical experts in emergency response

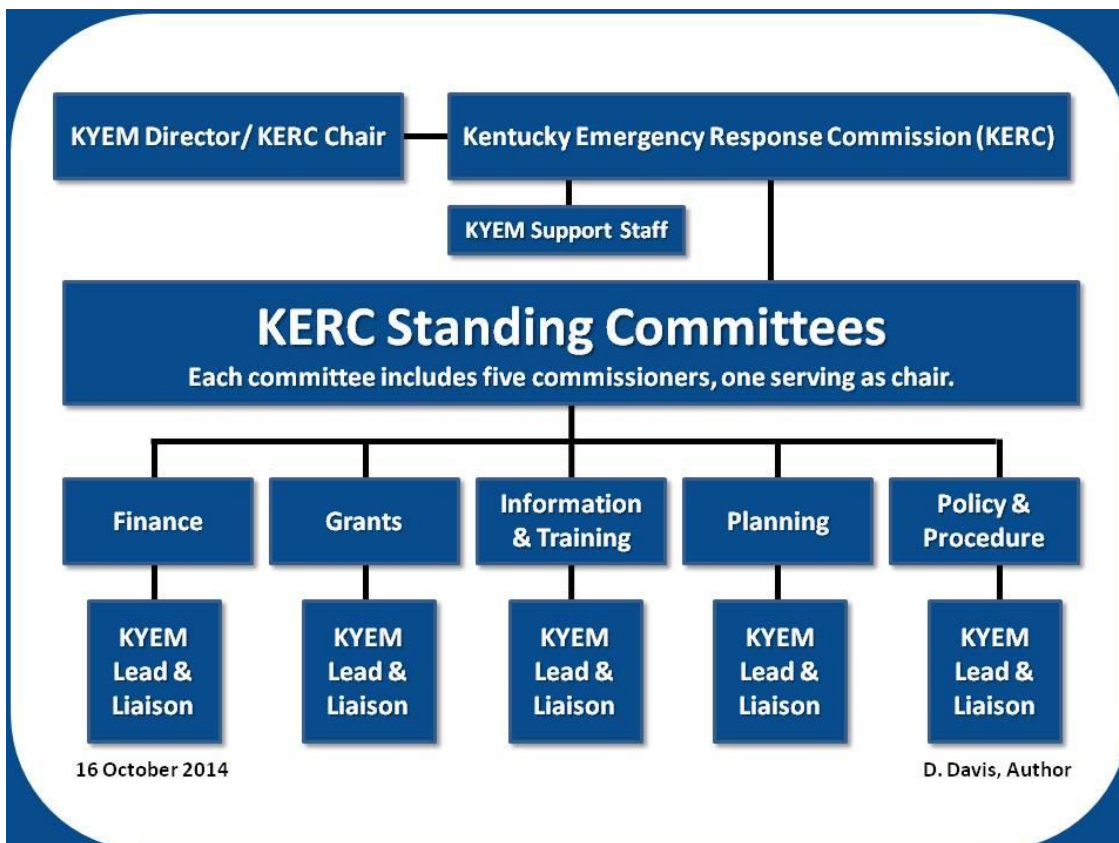
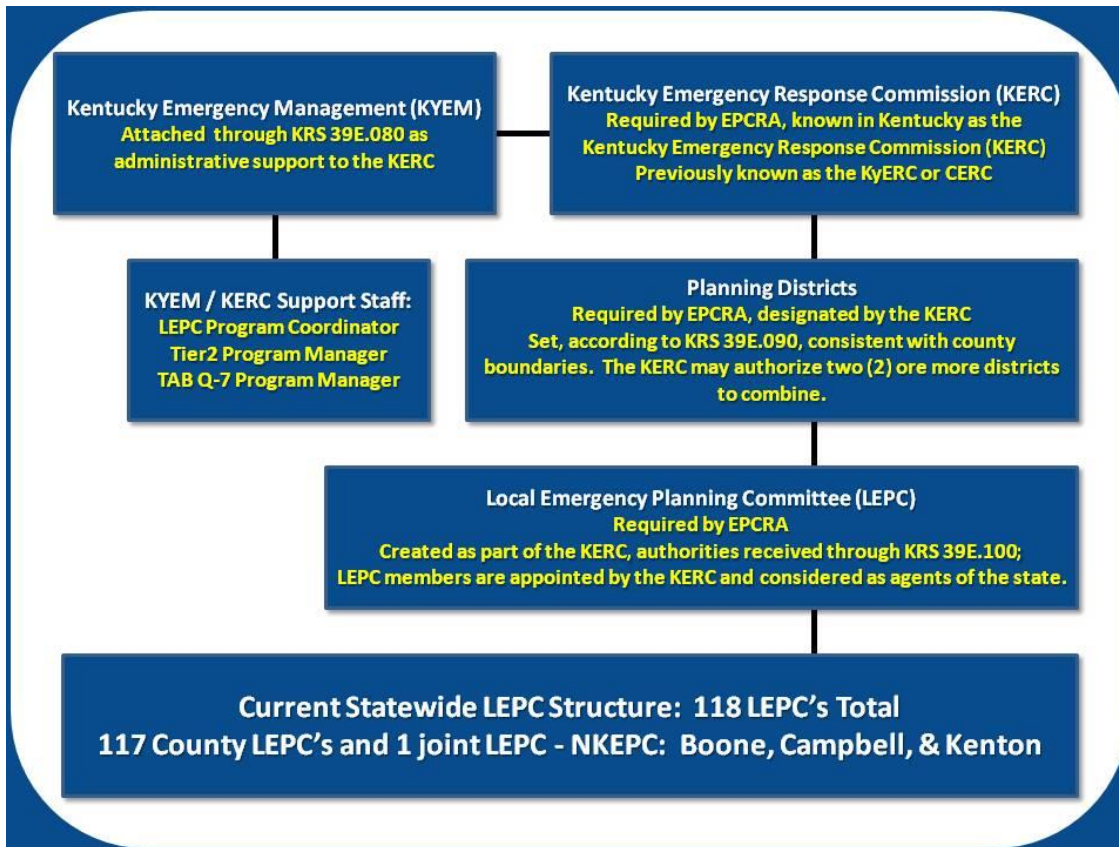
The KERC is attached as an administrative body to Kentucky Emergency Management (KYEM). KYEM personnel provide administrative support for the KERC, and the KYEM director serves as the chairperson.

The KERC is required to meet at least twice a year. Meetings are currently held bi-monthly. All meetings are open to the public; a photo ID may be required to enter the premises. Those wishing to attend are requested to pre-register at: [kyem.ky.gov](http://kyem.ky.gov)

For more information on the laws and regulations governing the implementation of EPCRA in Kentucky, consult KRS 39E and 106 KAR Chapter 1 at the Kentucky Legislature website: [www.lrc.ky.gov/law.htm](http://www.lrc.ky.gov/law.htm)

## Kentucky Planning Districts

The KERC designates Local Emergency Planning Districts and assigns Local Emergency Planning Committees (LEPCs) to them. Kentucky's planning districts are set up along county boundaries. Several planning districts can be joined. In such instances, only one LEPC can represent them. Three of Kentucky's counties have adopted this structure: Boone, Campbell, and Kenton, which comprise the Northern Kentucky Emergency Planning Committee (NKEPC). Kentucky's remaining 117 counties are represented by individual LEPCs.



## The LEPC

Traditionally the role of the LEPC consists of partnering with state and local governments, businesses, and responders to enhance the following with regard to hazardous materials:

- Prevention
- Preparedness
- Response and Recovery
- Planning
- Exercising and Training

LEPCs give communities access to key information about hazardous substances. Companies are required to submit this information if they exceed designated reporting quantities. Additionally, LEPCs work with companies to develop comprehensive emergency response plans.

## Membership

LEPC members are from within the community and play a crucial role in local planning and right-to-know programs. Among other things they are familiar with factors that affect public safety, the environment, and the local economy. The following groups must be represented in every LEPC:

- Local and State Elected Officials
- Law Enforcement
- Emergency Management
- Fire Department
- First Aid (EMS)
- Health Personnel
- Local Environmental Agency
- Hospitals
- Transportation Personnel
- Broadcast and Print Media
- Community Groups
- Owners and Operators of Regulated Facilities

LEPC members are appointed to terms of no more than 4 years, but they can be reappointed. Every LEPC must designate a chairperson. Chairpersons serve for a term of 2 years and can be reappointed. For a list of Kentucky's LEPC chairpersons, visit: <http://kyem.ky.gov/Pages/LEPC.aspx>



## Responsibilities

All Kentucky LEPCs are responsible for the following:

- Establish a twenty-four (24) hour warning point within their planning district to which responsible parties of releases of hazardous substances must report.
- Provide public access to chemical release and Tier2 reports as required under the Emergency Planning and Community Right to Know Act (EPCRA).
- Educate the public about the risks involved with chemical releases; whether accidental or routine.
- Conduct community exercises.
- Appoint Officers and a Chairperson from among its current members.
  - Designate an official to serve as coordinator for information.
- Provide a copy of minutes, rosters, and a published Annual Legal Notice of meetings to KYEM.

## Bylaws

LEPC's shall submit established bylaws to the Kentucky Division of Emergency Management (KYEM) which include provisions for:

- Public notification of committee activities;
- Public meetings to discuss the emergency plan;
- Receiving public comments;
- Response to public comment;
- Distribution of the emergency plan; and
- Receiving and processing requests from the public for information under section 324, including tier II information under section 312.

## Authorities

All Kentucky LEPCs have the authority to:

- Request the chief of the fire department with jurisdiction over a facility which has, or may have, substances subject to SARA Title III, to make on-site inspections of the facilities and to report all findings to the chairman of the LEPC.
- After consulting the KERC Chairperson, seek civil remedies as provided in EPCRA Section 326
- Upon consent of the KERC Chair, submit information to the county attorney for prosecution.

## Meetings

Kentucky's Local Emergency Planning Committees (LEPCs) may hold meetings as often as they deem necessary. In order to keep the LEPC functioning effectively, regularly scheduled meetings that address local issues and work toward progress on key concerns are important. However, they are only required to meet once a year, twice a year if the LEPC has EHS facilities in its jurisdiction. LEPC membership lists and a published Annual Public Notice must be provided to KYEM.

Circumstances often change, as do phone numbers and contacts. As such, LEPCs are encouraged to meet regularly so they can address local issues and key concerns effectively. Regular meetings also allow members to become familiar with one another and their roles in the community. Some LEPCs hold meetings on the same day each month to facilitate scheduling. Others hold meetings during the lunch hour, and the involved agencies and industry take turns providing lunch. Companies sometimes offer tours of their facilities prior to, or following, meetings.

Proceedings are public record and the following actions must be taken for every meeting:

- All meetings must be made open to the public
- Meeting Minutes must be submitted to the Kentucky Emergency Response Commission (KERC) within 30 days of the meeting
- Minutes must be made available to the public upon request

## Public Availability

LEPC's must have a procedure to provide any emergency response plan, material safety data sheet, hazardous chemical list, inventory form, toxic chemical release form, and follow-up emergency notice to the general public during normal working hours.

## Annual Public Legal Notice

LEPC's shall annually publish a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted under this section. Notice shall include the following:

- Follow-up emergency notices may subsequently be issued; and
- Where submitted plans, sheets, forms, or follow-up notices can be reviewed
- Location and times of all meetings
- The local 24 hour number for emergency notifications per EPCRA

# Kentucky LEPCs -

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## Hazardous Material Notification

LEPCs must have procedures in place that make it possible for owners or operators of facilities to provide immediate notice to the LEPC Community Emergency Coordinator that a release has occurred including the providing of any required written follow-up notice.

The Emergency Planning and Community Right to Know Act (EPCRA) expanded the reporting requirements for hazardous substance releases as outlined in the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). CERCLA required that the release of certain hazardous substances be reported to the National Response Center (NRC) if it exceeded a certain quantity. Under EPCRA, the SERC and LEPC representing the community where the release occurred must be notified in the event of a release.

ACT	Responsibilities
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 1980 (Superfund)	Notify the National Response Center (NRC) for chemical releases
Emergency Planning and Community Right to Know Act (EPCRA) 1986	<ul style="list-style-type: none"><li>• Establish KERC and LEPCs</li><li>• Notify KERC and LEPCs of chemical releases</li><li>• Submit MSDS or SDS</li><li>• Submit Annual Hazardous Material Inventory Report (Tier2)</li><li>• Plan for EHS's (TAB Q-7's)</li></ul>

The Emergency Planning and Community Right to Know Act (EPCRA) requires facilities using, storing or manufacturing hazardous substances above a designated quantity submit Material Safety Data Sheets (MSDS), or Safety Data Sheets (SDS), for substances with health or physical hazards, report releases of these substances if above a specified reporting quantity (RQ), and also prepare Annual Hazardous Material Inventory Reports (widely known as Tier2). Facilities must provide immediate notification in the event of a release to the State Emergency Response Commission (SERC) and to the Local Emergency Planning Committee (LEPC) representing the community where the release occurred. Material Safety Data Sheets (MSDS), or Safety Data Sheets (SDS), for substances with health or physical hazards and Annual Hazardous Material Inventory (Tier2) reports must also be provided to the SERC, LEPC, and the responding fire department for the facility.

Submission	Recipient
Material Safety Data Sheets (MSDS) or Safety Data Sheets (SDS) for substances with health or physical hazards	<ul style="list-style-type: none"><li>• KERC</li><li>• LEPC</li><li>• Responding fire department for the facility</li></ul>
Immediate notification in the event of a release	<ul style="list-style-type: none"><li>• KERC</li><li>• LEPC</li></ul>
Annual Hazardous Material Inventory (Tier2) Report	<ul style="list-style-type: none"><li>• KERC</li><li>• LEPC</li><li>• Responding fire department for the facility</li></ul>

## Extremely Hazardous Substances (EHS)

EPCRA required the development of an Extremely Hazardous Substances (EHS) list. If a substance on the EHS list equals or exceeds the Threshold Planning Quantity (TPQ), the LEPC must prepare a comprehensive emergency response plan for the facility, in Kentucky the EHS Plans required under SARA Title III are called TAB Q-7 Plans. Each facility must designate a Facility Emergency Response Coordinator (FERC) to participate in the TAB Q-7 planning process.

LEPCs must adopt policies and protocols to review all plans (TAB Q-7's) and reports (Tier2's), and it must make these documents available to the public. However, the specific location of a substance can be kept confidential if the facility requests it.

The Consolidated List of Chemicals, which includes all EHSs subject to EPCRA, CERCLA, and the Clean Air Act (CAA), is commonly known as the "List of Lists". It was prepared to help facilities handling chemicals determine, for a specific chemical, whether they may be subject to certain reporting requirements. The List of Lists is available at <http://www2.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-march-2015-version>

## Warning Points

LEPCs are responsible for receiving, maintaining, and providing to the public, initial and follow-up notifications, for releases of hazardous materials. If a substance covered under the Emergency Planning and Community Right to Know Act (EPCRA) is released in a reportable quantity, the owner or operator of the facility or owner or operator of the vehicle transporting the substance must notify the local (LEPC) and state (KERC) warning points.

## KERC

The Duty Officer at the Commonwealth Emergency Operations Center (800-257-2587) serves as the contact for the Kentucky Emergency Response Commission.

## LEPC

Each LEPC designates a warning point. This point is usually the 911 call center or Public Safety Answering Point (PSAP).

## Kentucky Department for Environmental Protection

The Environmental Response Team must be notified of any reportable releases at (502-564-2380).

Releases of certain chemicals regulated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) must also be reported to the National Response Center (800-424-8802). Chemical Reporting Quantities (RQ) triggering release notification requirements can be found on the EPA List of Lists: <http://www2.epa.gov/epcra/epcracerclacaa-ss112r-consolidated-list-lists-march-2015-version>

**Note:** Transporters should contact 911, a PSAP, and the Kentucky Department for Environmental Protection (DEP).

## Hazardous Material Inventory Reporting (Tier2)

LEPC's must have procedures for:

- An owner or operator of a facility to submit an emergency and tier2 inventory form;
- A State or local official, acting in his or her official capacity, to request tier II information;
- Any person to request tier II information relating to the preceding calendar year with respect to a facility. Any such request shall be:
  - In writing and
  - With respect to a specific facility.

LEPC's must have procedures for any tier II information in its possession to be made available to a person making a request no later than 45 days after the date of receipt of the request.

A hazardous material inventory (Tier2) report that includes all hazardous substances that matched or exceeded the reporting limit at the facility during the previous calendar year must be submitted annually between January 1 and March 1. Reports must be submitted to their responding fire department, Local Emergency Planning Committee (LEPC), and the Kentucky Emergency Response Commission (KERC).

The KERC is responsible for implementing the provisions of EPCRA. On September 17, 2013 the KERC voted unanimously to pass Policy 004-2013, which states that effective January 1, 2014, all Kentucky facilities that are subject to EPCRA are required to submit Tier2 forms and payments for associated fees electronically. Submissions require using the EPA's Tier2 Submit program which can be downloaded at: <http://www.epa.gov/oem/content/epcra/tier2.htm#tierii> Fees are due at the time of submittal.

Kentucky Emergency Management (KYEM) annually updates the "EPCRA - How to Comply Packet," which includes step-by-step instructions required to be compliant with Kentucky and EPCRA regulations. Prior to the start of the reporting period on January 1st, this and other relevant documents will be available for download on the SARA Title III page of the KYEM website: <http://kyem.ky.gov/programs/Pages/SARATitleIII.aspx>.

Most, but not all LEPCs require electronic submission of Tier2 reports, the complete list of requirements "LEPC Tier2 Inventory Reporting Contact Information" can be found in the EPCRA - How to Comply Packet and downloaded individually from the SARA Title III Documents Library at: <http://kyem.ky.gov/programs/Pages/SARATitleIII.aspx>.

Fire Departments in KY still require a hard copy report. No fee is required to submit Tier2 reports to either the LEPC or Local Fire Department.

Kentucky's Local Emergency Planning Committees are required to receive, maintain, and make publically available all Material Safety Data Sheets (MSDS), Safety Data Sheets (SDS), and Tier2 Annual Hazardous Material Inventory Reports from Kentucky facilities that use, manufacture and/or store hazardous substances above established reporting quantities.

## Material Safety Data Sheets (MSDS)

If hazardous substances are used, manufactured, or stored in quantities exceeding the established reporting limit, facilities must submit MSDSs and or SDSs to their responding fire department and Local Emergency Planning Committee (LEPC). Unless there are changes regarding the substances, facilities only need to submit individual forms or a list once. MSDSs and/or SDSs are due within 60 days after the changed substance is received or within 30 days of an LEPC request.

## Reporting Quantities and Thresholds

Substance	Threshold
Extremely Hazardous Substances (EHS)	500 pounds or the Threshold Planning Quantity (TPQ) whichever is less
Gasoline (all grades combined) stored entirely in a compliant (UST*) at a RETAIL GAS STATION	75,000 gallons
Diesel fuel (all grades combined) stored in a compliant (UST*) at a RETAIL GAS STATION	100,000 gallons
All other Hazardous Chemicals	10,000 pounds
*Underground Storage Tank (UST): Must comply with applicable UST requirements under 40 CFR part 280 or 40 CFR part 281 at all times during the preceding calendar year.	

## Reporting Exceptions

The following substances are not considered hazardous and are exempt from EPCRA reporting requirements:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration (FDA);
- Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;
- Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;
- Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified professional; and
- Any substance to the extent it is used in routine agricultural operations or is fertilizer held for sale by a retailer to the final customer.

## Kentucky Tier2 Reporting Fee Schedule

### Reporting Dates:

Tier2 reporting is required each year between January 1 and March 1. Submissions filed after the March 1st deadline will be classified as late and, Per KRS 39E.990, may be assessed a civil penalty and/or fined a minimum of two hundred and fifty dollars. Each day upon which the violation occurs shall be considered a separate violation and a separate civil penalty may be imposed.

### Electronic Payment:

Beginning January 1, 2014, all Kentucky facilities are required to file tier2 reports and pay all associated fees electronically in accordance with KYEM's annually published "EPCRA - How to Comply Packet". A processing fee will be charged automatically and included with the online payment submission.

### Fees

Fees shall be payable in accordance with the schedule listed below except the same owner or owners of two or more facilities in a single county subject to paying a fee shall pay a fee not to exceed \$250 for all those facilities in that county.

### Facility Definitions

#### Category One Facility - \$0

Any facility owned or operated by local, state or federal government. Category One facilities are exempted from paying any fee in accordance with KRS 39E.050. This exemption applies solely to fees and does not exempt any Category One Facility from reporting requirements.

#### Category Two Facility - \$40

Any facility that has ten thousand (10,000) pounds and not more than four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds of each of ten (10) or fewer hazardous substances at any time during the calendar year. The combined total of all hazardous substances shall not exceed four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds.

#### Category Three Facility - \$250

Any facility that has ten thousand (10,000) pounds or more of each of eleven (11) or more hazardous substances. The combined total of all hazardous substances shall not exceed four hundred ninety nine thousand, nine hundred ninety nine (499,999) pounds.

#### Category Four Facility - \$250

Any facility that has a total inventory of over four hundred ninety nine thousand, nine hundred ninety-nine (499,999) pounds of hazardous substances.

#### Category Five Facility - \$250

Any facility that has an Extremely Hazardous Substance listed in 40 CFR 355 as amended (EPA's list of Extremely Hazardous Substances) in excess of the threshold planning quantity or 500lbs whichever is less.



## EHS Facility (TAB Q-7) Plans

Per Emergency Planning and Community Right to Know Act (EPCRA) if a facility matches or exceeds the Threshold Planning Quantity (TPQ) for an Extremely Hazardous Substance (EHS), they must designate a Facility Emergency Response Coordinator (FERC) to work with the Local Emergency Planning Committee (LEPC) and develop a comprehensive emergency response plan. In Kentucky these plans are known as EHS Facility Plans (formerly TAB Q-7 Plans) and are required by law to be incorporated into the County's Emergency Operations Plan (EOP).

Kentucky LEPCs are responsible for developing and maintaining emergency plans that will prepare emergency responders and the community to respond effectively to releases of hazardous substances; all plans must be made available to the public. Site specific data on the locations of particular chemicals can be removed, upon facility request, before it is made available to the public. LEPCs are required to conduct an annual review of their facilities to determine if existing EHS Facility Plans need to be updated and to determine if additional facilities may need EHS Facility Plans. LEPC's must submit a copy of the emergency plan to the State Emergency Response Commission (SERC) for review. LEPCs must include the information collected in their review with the Annual Certification Letter (ACL), and they must submit it to the Kentucky Emergency Response Commission (KERC).

Owners or operators of facilities must report the name of a facility representative who will participate in the emergency planning process as a FERC. Facilities are required to provide this within thirty (30) days of the date the facility first receives the substance. The FERC must promptly inform the LEPC of any relevant changes occurring at the facility.

LEPC's are required to conduct a planning process that includes:

- City, County, Urban-County Governments;
- School Districts;
- Special Purpose District Boards;
- Municipal Corporations; or
- Political Subdivisions of the State or Local Government.

This participation shall include:

- Providing information concerning government-owned emergency response assets;
- Reviewing plans developed by the LEPC; and
- Concurring that the final plan can be executed with existing resources.

LEPCs evaluate the need for resources necessary to develop, implement, and exercise the emergency plan and make recommendations of additional resources that may be required and the means for providing such additional resources.



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All EHS Facility plans must include descriptions of the location and characteristics of all extremely hazardous substances (EHSs) present at the facility as well as the required planning elements of SARA Title III, Section 303:

- Identification of facilities within the emergency planning district.
- Identification of routes likely to be used for the transportation of EHS substances.
- Identification of additional facilities subjected to additional risk due to their proximity.
- Methods and procedures to be followed during response to any EHS release.
- Designation of a community emergency coordinator.
- Designation of facility emergency coordinators (FERC).
- Release notification procedures for the FERC and the community emergency coordinator that a release has occurred to:
  - persons in the emergency plan, and
  - the public,
- Methods for:
  - determining the occurrence of a release, and
  - The area or population likely to be affected.
- A description of the emergency facilities available, the emergency equipment on hand, and the persons responsible for:
  - At EPCRA Facilities; and
  - In the Community.
- Evacuation plans, including:
  - provisions for a precautionary evacuation; and
  - Alternative traffic routes.
- Training programs, including schedules for training of local emergency response and medical personnel.
- Methods and schedules for exercising the emergency plan.

TAB Q-7 plans must also include the Kentucky Emergency Response Commission's planning requirements consisting of:

- Procedures for Spill Containment, Cleanup, and Disposal
- Protective Actions
- A legible sketch of the facility which shows a directional arrow, the location of extremely hazardous substances, and the access road;
- The location of the response point and instructions for responsibilities of the FERC;
- Designation of the staging area and alternative staging area(s);
- A listing of major suppliers of extremely hazardous substances and their telephone numbers;
- A division of the vulnerable zone into four (4) quadrants, listing the special facilities within each quadrant and the total populations of each quadrant.

For more information on Kentucky's EHS Facility Plans, visit  
<http://kyem.ky.gov/programs/Pages/SARATitleIII.aspx>

## Conducting Exercises

The worst time to check if the established response plans actually work is during an emergency. As such, Local Emergency Planning Committees (LEPCs) and their facilities must conduct exercises to test and validate their plans.

The training and experience of all LEPC representatives and of others in the community with technical expertise in emergency response should be used when planning an exercise.

Participants may include, but are not limited to, the following groups:

- County Emergency Medical Services (EMS)
- County Hospitals
- City and County Police Departments
- County Judge Executives
- KY State Police
- County Rescue Squad
- County Emergency Management
- County School Board
- Boy Scouts
- Local Amateur Radio
- Red Cross
- Industry personnel

## Exercise Types

There are three types of exercises.

- Tabletop: participants develop a scenario and discuss the outcomes
- Functional: participants test a particular part of a plan, such as communications
- Full-scale: persons and equipment are actually deployed

Some examples of exercises that Kentucky's LEPCs have undertaken:

- A chlorine release at a Waste Water Treatment Plant, with workers overcome by fumes and transported to hospital
- A Paraquat spill at a farm supply store
- An accident involving a school bus and a chemical truck with decontamination of students and transport of injured to hospital
- Derailment of a pressurized railcar and release of a toxic gas affecting a nearby school and businesses

## Funding Kentucky's LEPCs

LEPCs accomplish most of their work with little or no funding. Committee members often donate time and other resources. Local businesses and agencies also contribute their services. Some of the most active funding programs in the country for LEPCs are set up through companies that are members of the LEPC. These companies can provide for funding special projects, equipment, and expertise.

## KERC Fee Account Grant

Kentucky Emergency Management is committed to supporting our LEPCs. It provides funding through the Kentucky Emergency Response Commission Fee Account Grant.

Every year, 50% of the total amount collected from Tier2 fees is redistributed to eligible Local Emergency Planning Committees (LEPCs) in the form of a grant known as the Kentucky Emergency Response Commission (KERC) Fee Account Grant. Eligibility is established from the calendar year preceding the grant application.

All LEPCs are required to submit the following information on or prior to the following deadlines:

- Publish "PUBLIC (LEGAL) NOTICE ADVERTISEMENT" in a local newspaper by January 31st
- Submit photocopy of "Public (Legal) Notice Advertisement" to KERC by February 28th
- Submit ACL to the KYEM AM by April 1st
- Submit Grant Application to the KYEM AM by April 1st
- Submit documentation of all LEPC expenditures for the previous year to the KERC by April 1st
- Submit a detailed budget identifying how the funds requested on the Grant Application are to be spent by June 1st
- Submit an updated membership list and cover page to the KERC by December 1st
- Submit bylaws to the KERC December 1st
- Submit Personal Property Inventory Maintenance form to the KERC by December 1<sup>st</sup>

Banking documentation must also be submitted initially and whenever account changes are made.

Every LEPC that submits the required documentation is eligible to receive a grant. To obtain an application, and a list of allowable expenditures under the grant, contact the KYEM LEPC Program Coordinator or visit: <http://kyem.ky.gov/Who%20We%20Are/Pages/LEPC.aspx>

For information about the formula on which the account grant distribution is based, call 502.607.5712 or consult 106 KAR 1:121 at: <http://www.lrc.ky.gov/kar/title106.htm>

## DOT Pipeline and Hazardous Material Safety Administration Grant

The United States Department of Transportation (DOT) provides funding for the Hazardous Materials Emergency Preparedness (HMEP) Program. Each state receives funding through the DOT Pipeline and Hazardous Material Safety Administration. The state share of this Federal grant is administered by Kentucky Emergency Management (KYEM).

The DOT Pipeline and Hazardous Material Safety Administration Grant is an 80/20 in kind match. The grant period is based on the Federal fiscal year that runs from October 1 to September 30. All grant activities and all paperwork must be completed and returned to KYEM.

Funding is available in two broad categories:

- Training
- Planning and Exercising

KYEM works with a variety of hazardous materials training partners, such as the Kentucky Community and Technical College System (KCTCS) and Louisiana State University / National Center for Biomedical Research and Training (LSU/NCBRT) to provide first responders and LEPC members with Hazardous Materials and Emergency Response Training.

The following classes are regularly offered free of charge:

- Awareness/ERG Book
- HazMat Operations Level
- HazMat Technician Level
- HazMat Refresher Course
- HazMat Tank Car Specialty
- HazMat IQ
- HazWopper
- Haz-Cat Training
- CAMEO
- Ammonia, Ethanol, Chlorine Response
- Flammable Liquid and Gas Bulk Storage
- Radioactive Material Specialty in transportation
- Crude Oil Training
- **AND MANY MORE....**

HMEP funds are also used to increase the awareness of LEPC members and community leaders in regard to hazardous materials and their threat to their community. Using HMEP funding, the Warren and Lexington/Fayette County LEPCs have conducted Commodity Flow Studies identifying the transportation of hazardous materials on the major roads in their areas.

Information about the grant and the application process is available at:

<http://kyem.ky.gov/programs/Pages/HazardousMaterials.aspx>

## Questions?

Please do not hesitate to contact any of the KYEM Staff if you have questions:

HAZMAT Program Coordinator  
Danita Farrier  
Kentucky Emergency Management (KYEM)  
Boone Center National Guard  
EOC Room 210-P-5  
110 Minuteman Parkway  
Frankfort, KY 40601  
Office: 502-607-5728  
Fax: 502-607-1622  
danita.e.farrier.nfg@mail.mil

LEPC Program Coordinator  
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Kentucky Emergency Management (KYEM)  
Boone Center National Guard  
EOC Room 210-P-5  
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David M Davis  
Kentucky Emergency Management (KYEM)  
Boone Center National Guard  
EOC Room 210-P-6  
110 Minuteman Parkway  
Frankfort, KY 40601  
Office: 502.607.5712  
Fax: 502.607.1008  
david.m.davis200.nfg@mail.mil  
kentuckyserc@gmail.com

## Calendar: Important Kentucky LEPC Dates

### January

- No later than January 31st each calendar year (January 1 through December 31) in accordance with KRS Chapter 424 (Legal Notice), the LEPC shall publish public information on committee activities entitled "Public (Legal) Notice Advertisement".
- Submit HMEP and LEPC project proposals to Program Staff for the upcoming budget year.

### February

- No later than February 28th LEPCs must provide the Chairman of the KERC, or designee, with a photocopy of the "Public (Legal) Notice Advertisement" published as described clearly showing the name of the newspaper and the date of publication.

### March

- Facilities must submit Tier2 Inventory Forms to KERC, LEPCs, and responding FDs by March 1st.
- Facilities must submit Facility Annual Certification Letters (FACL) to LEPCs by March 1st.

### April

- A KERC designee will send LEPCs the "Notice of Availability of Grant Funds" and "Notice of Eligibility Status."
- No later than April 1st each year, the LEPC shall review EHS Facility Emergency Response plans and send an Annual Certification Letter (ACL) to the KYEM AM stating that there were no changes and therefore the plan is correct as is; or the plan has been revised and the revisions are included with the ACL.
- No later than April 1st the LEPC shall submit Grant Application to the KYEM AM
- No later than April 1st the LEPC shall provide the Chairman of the KERC or designee, documentation of expenditures, including but not limited to, bank statements, canceled checks, invoices, receipts, and a LEPC Bank Ledger for the preceding year.

### May

- The KYEM AM shall review LEPC grant requests for completeness and conformance to statutes and administrative regulations, note any recommendations and forward it to the Chairman of the KERC or designee, no later than May 1st.
- Successful grant proposals and HMEP grant amounts are decided by May 31.

### June

- No later than June 1st LEPCs shall submit a detailed budget, to the Chairman of the KERC or designee, identifying how the funds requested on the Grant Application are to be spent.

## July

- The KERC approves or rejects any plan revisions or certification.
- No later than July 1 the Chairman of KERC or a designee reviews all LEPC grant requests received for completeness and conformance to statutes and regulations, notes recommendations, and forwards to the KERC Grant Review Committee.
- The KERC Grant Review Committee reviews every grant application received from the Chairman or designee, and makes recommendation to the KERC at the July KERC Meeting.

## September

- All LEPC projects must be complete and the final paperwork for the previous year's HMEP must be submitted before September 1.
- LEPC grant monies will be awarded by the KERC no later than September 15.

## October

- Successful LEPCs are awarded HMEP and LEPC sub-grants for the upcoming year on October 1.

## December

- No later than December 1st each year, the LEPC shall submit an updated membership list and cover page to the Chairman of the KERC, or designee.
- No later than December 1st each year, the bylaws of each LEPC must be provided to the Chairman of the KERC, or designee, with certification stating there were no changes and therefore the bylaws are identical to last year; or the bylaws have been revised and the revisions are included.
- No later than December 1st LEPCs shall submit to the Chairman of the KERC or designee, a Personal Property Inventory identifying all property items purchased using KERC Grant funds and valued in excess of \$500.00.
- Tentatively set at least two meeting dates for the upcoming calendar year so the LEPC can conduct business and complete statutory requirements.





## Appendix A: KERC - LEPC Acronym List



ACL	-----	Annual Certification Letter
ACPH	-----	Air Change per Hour
AM	-----	Area Manager
AN	-----	Ammonium Nitrate
ATSDR:	-----	Agency for Toxic Substances and Disease Registry
CAA	-----	Clean Air Act
CAMEO	-----	Computer Aided Management for Emergency Operations
CAS #:	-----	Chemical Abstract Service
CERC	-----	Commonwealth Emergency Response Commission - now called KERC
CERCLA	-----	Comprehensive Environmental Response, Compensation, and Liability Act
CFATS	-----	Chemical Facility Anti-Terrorism Standards
CFR	-----	Code of Federal Regulations
CSB	-----	Chemical Safety Board
DES	-----	Disaster and Emergency Services
DHS	-----	Department of Homeland Security
DOT	-----	Department of Transportation
EEC	-----	Energy and Environment Cabinet
EHS	-----	Extremely Hazardous Substance
EMA	-----	Emergency Management Agency
EMS:	-----	Emergency Medical Service
EOC:	-----	Emergency Operations Center
EOP	-----	Emergency Operations Plan
EPA	-----	Environmental Protection Agency
E&PPC	-----	Environmental & Public Protection Cabinet
EPCRA	-----	Emergency Planning and Community Right-to-Know Act
ERG	-----	Emergency Response Guidebook
ERIL:	-----	Emergency Resource Inventory List
ERT:	-----	Environmental Response Team
FACL	-----	Vfacility Annual Certification Letter
FCC:	-----	Federal Communications Commission
FDA	-----	Food and Drug administration
FEMA:	-----	Federal Emergency Management Agency
FERC	-----	Facility Emergency Response Coordinator
GIS	-----	Geographic Information Systems
GPS	-----	Global Positioning System
HAZMAT	-----	Hazardous Materials
HMEP	-----	Hazardous Materials Emergency Preparedness
HSC:	-----	Highway Safety Commission
KAR	-----	Kentucky Administrative Regulations
KCTCS:	-----	Kentucky Community and Technical College System
KERC	-----	Kentucky Emergency Response Commission
KRS	-----	Kentucky Revised Statutes
KY DEP	-----	Kentucky Department of Environmental Protection
KYEM	-----	Kentucky Emergency Management
LEPC	-----	Local Emergency Planning Committee
Lat/Long	-----	Latitude and Longitude
LOC:	-----	Level of Concern
LoL	-----	List of Lists
MIC	-----	Methyl Isocyanate
MSDS	-----	Material Safety Data Sheets (now known as SDS)





## Appendix A: KERC - LEPC Acronym List



NASTTPO	-----	National Association of SARA Title II Program Officers
NFPA	-----	National Fire Protection Association
NIMS:	-----	National Incident Management System
NOAA	-----	National Oceanic and Atmospheric Administration
NRC	-----	National Response Center
NREPC:	-----	Natural Resources and Environmental Protection Cabinet
OSHA	-----	Occupational Safety and Health Administration
PHMSA	-----	Pipeline and Hazardous Materials Safety Administration
RMP:	-----	Risk Management Plan
RP:	-----	Response Point
RQ	-----	Reportable Quantity
SARA	-----	Superfund Amendments and Reauthorization Act
SCBA	-----	Self-Contained Breathing Apparatus
SDS	-----	Safety Data Sheets (formerly MSDS)
SERC	-----	State Emergency Response Commission - Known in KY as KERC
SIC	-----	Standard Industrial Classification
SIP	-----	Shelter-In-Place
TAB Q-7:	-----	Former name for an EHS Facility Emergency Response Plan in KY
Tier2	-----	Tier2 Report
TPQ	-----	Threshold Planning Quantity
TRI	-----	Toxic Release Inventory
UN ID#:	-----	United Nations Identification Number
USC:	-----	United States Code
USCG:	-----	United States Coast Guard
USEPA:	-----	United States Environmental Protection Agency
UST	-----	Underground Storage Tanks
VZ:	-----	Vulnerable Zone

## Important Phone Numbers

State 24-hour warning point for HAZMAT Spill Notification	1-800-255-2587
Kentucky Emergency Response Commission (KERC) Chair	502-607-1682
Kentucky Department for Environmental Protection (KY-DEP)	502-564-2380
24 Hour Hotline	1-800-928-2380
National Response Center	800.424.8802
U.S. Environmental Protection Agency (EPA) Hotline	800.424.9346
Chemical Transportation Emergency Center (CHEMTREC)	800.424.9300
State Fire Marshal	502-573-0382
CHEMTREC	1-800-424-9300
Kentucky State Police	502-782-1800
KYEM Hazardous Materials Program Coordinator	502.607.5728
KYEM EHS Facility Plan Manager	502.607.5727
KYEM KERC/LEPC Program Manager	502.607.5712
KYEM LEPC Program Coordinator	502.607.5732

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